

The Eugene Police Department maintains a “Trespass Letter of Consent” file to assist business and property owners in handling trespass issues. The purpose of this pamphlet is to provide general information about Trespass Letters of Consent to help determine whether or not such a letter would be of benefit to you.

### WHAT IS A TRESPASS LETTER OF CONSENT? HOW IS IT BE USEFUL TO ME?

A Trespass Letter of Consent (TLC) is a specifically worded, legal document which allows a police officer to take enforcement action on your behalf without contacting you first.

Police officers do not have the authority to go onto private property and remove individuals or request them to leave without the consent of the property owner. If an officer observes someone on private property when the business is closed, or a problem is called in by someone who does not have the authority to sign a trespass complaint, the department must then contact the person who is legally responsible for the property.

That’s where a Trespass Letter of Consent comes in. A trespass letter gives Eugene police officers permission to act on the property owner’s/manager’s behalf in trespass situations.

*Officers who observe trespassers on private property can then immediately address the problem rather than be delayed in acting or be unable to take action at all.*

### WHAT IS THE LAW REGARDING TRESPASSING IN EUGENE?

A person commits the crime of Criminal Trespass if the person enters or remains unlawfully in or upon premises when such premises is not open to the public; or the person fails to leave premises that are open to the public after being lawfully directed to do so by the person in charge. An excerpt of the applicable City Code is included in this brochure (see reverse side).

### HOW DO I PUT A LETTER ON FILE?

If you believe a Trespass Letter of Consent would be helpful, complete the form on this page and mail it the Eugene Police Department, or call 682-8350 and leave a message requesting a TLC packet be sent to you. When you return the TLC agreement, the original copy will be retained by police.

### WHAT ELSE DO I NEED TO DO?

In addition to filing the trespass letter, your property must be posted with “No Trespassing” signs. These signs *should not* include any language directed at loitering as there is no law that can be imposed regarding loitering at this time.

### WHAT HAPPENS NEXT?

Should an officer respond to your property, the computerized trespass file is available to officers via the 9-1-1 Center. The officer will then verify the existence of a Trespass Letter of Consent and take appropriate action.

### WHAT HAPPENS IF SOMEONE IS ARRESTED BASED ON MY LETTER OF CONSENT?

In most cases, officers are able to resolve trespass complaints without arresting the involved subject. However, there are situations in which the officer has no choice but to cite or arrest an offender. In those instances, you will be asked to sign a trespass complaint at the City Prosecutor’s Office, and be available for any resulting court action.

### WHAT HAPPENS IF I CHANGE MY MIND OR SELL MY PROPERTY?

You may revoke your trespass letter at any time. Simply notify us of your wishes in writing or by phone at 682-8350, and your letter will be removed from the file. Although trespass letters have no expiration date, it is the policy of the City Prosecutor’s Office to renew them periodically. If the status of your property changes in any way, we ask that you notify us as soon as possible and arrange for your trespass letter to be updated.

**We thank you for your interest in the TLC program. If you have additional questions, or if we can be of further assistance, please call 682-8350.**

Please send me the paperwork to complete a letter for the Trespass Letter of Consent file.

Name

Mailing Address—Street Number and Name

City, State, ZIP

Daytime Telephone

Nighttime Telephone

Property/Business Name

I heard about this program from:

☐

A telephone conversation with a police officer or a community service officer

☐

An officer who responded to my address

☐

A friend or acquaintance

☐

Other: \_\_\_\_\_

**Return this form by fax to 687-2436 or mail to:**  
Eugene Police Department — WUPSS  
Attn: TLC Program  
791 East 13<sup>th</sup> Street  
Eugene, OR 97403

## Eugene City Code Section 4.805–4.809

Trespassing definitions used in sections 4.806 to 4.809, except as the context requires otherwise:

“Building,” in addition to its ordinary meaning, includes any booth, vehicle, boat, aircraft or other structure adapted for over-night accommodation of persons or for carrying on business therein. Where a building consists of separate units, including, but not limited to, separate apartments, offices or rented rooms, each unit is, in addition to being a part of such building, a separate building.

“Dwelling” means a building which regularly or intermittently is occupied by a person lodging therein at night, whether or not a person is actually present.

“Enter or remain unlawfully” means:

(a) To enter or remain in or upon premises when the premises, at the time of such entry or remaining, are not open to the public or the entrant is not otherwise licensed or privileged to do so; or

(b) To fail to leave premises that are open to the public after being lawfully directed to do so by the person in charge.

“Open to the public” means premises which by their physical circumstances at the time would cause a reasonable person to believe that no permission to enter or remain is required.

“Person in charge” means a person, or a representative or employee of the person, who has lawful control of premises by ownership, tenancy, official position or other legal relationship. It includes, but is not limited to, the person, or holder of a position, designated as the person or position-holder in charge by the Governor, board, commission or governing body of any political subdivision of this state.

“Premises” includes any building and any real property, whether privately or publicly owned.

4.807 Criminal Trespass in the Second Degree:

A person commits the crime of criminal trespass in the second degree if the person enters or remains unlawfully in or upon premises.

4.808 Criminal Trespass in the First Degree:

A person commits the crime of criminal trespass in the first degree if the person enters or remains unlawfully in a dwelling.

Eugene Police Department  
777 Pearl Street, Room 107  
Eugene OR 97401



# PROTECT YOUR PROPERTY WITH T.L.C.

(TRESPASS LETTER  
OF CONSENT)

Eugene Police  
Department



*“Quality Policing  
Through Partnerships”*